

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOSEPH D. GILBERTI PE,

Plaintiff,

v.

Case No. 25-cv-10707
Honorable Linda V. Parker

MARK ZUCKERBERG, et al.

/

**OPINION AND ORDER DENYING PLAINTIFF'S APPLICATION TO
PROCEED IN FORMA PAUPERIS AND SUMMARILY DISMISSING
COMPLAINT WITH PREJUDICE**

On March 13, 2025, Plaintiff Joseph D. Gilberti PE (“Gilberti”) filed a Complaint in this District against an extensive list of private individuals, current and former government officials, government agencies, institutions, and universities, and private organizations, institutions, and businesses. (ECF No. 1.) There are too many named defendants to easily count, but the list spans two pages and is single spaced. Gilberti resides in Sarasota, Florida. He moves to proceed in forma pauperis in this action. (ECF No. 2.)

Gilberti’s Complaint is extremely similar to pleadings he has filed in other jurisdictions. *See, e.g.*, Order, *Gilberti v. Council of Nat'l Defense, et al.*, No. 24-cv-1575 (M.D. Fla. July 26, 2024), ECF No. 2 (listing some of Gilberti’s previously filed and dismissed claims and summarily dismissing the matter); Compl., *Gilberti v. Trump, et al.*, No. 24-81065-CV (S.D. Fla. filed Sept. 3, 2024),

ECF No. 1; Compl., *Gilberti v. Trump, et al.*, No. 24-cv-81427 (S.D. Fla. filed Nov. 14, 2024), ECF No. 1; *Gilberti v. Rubio, et al.*, No. 24-80850-CIV (S.D. Fla. filed July 12, 2024), ECF No. 1; *Gilberti v. Fed. Bureau of Investigations, et al.*, No. 24-cv-01596 (M.D. Fla. filed July 3, 2024). His current filing is, as district judges in the Middle District of Florida have described, “the latest installment in Gilberti’s series of substantially similar lawsuits alleging conspiracies to steal property in Sarasota County [Florida], deprive him of the land’s natural resources, and poison the nation’s water supply.” Order, *Gilberti v. Council of Nat’l Defense*, No. 24-cv-1575 (M.D. Fla. July 26, 2024), ECF No. 2 at PageID14 (quoting *Gilberti v. Padar*, No. 23-cv-609, 2023 WL 9547875, at *1, 3 (M.D. Fla. Dec. 6, 2023)). Each of Gilberti’s previous cases “has been dismissed for lack of subject matter jurisdiction because those claims consisted of patently insubstantial claims.” *Id.* at PageID. 15-16 (collecting cases). In July 2024, the Honorable Tom Barber, United States District Judge for the Middle District of Florida, warned Gilberti that he may be subject to Rule 11 sanctions if he continues to file frivolous cases in that District or in other courts. *Id.* at PageID. 16. Gilberti has not been deterred, as reflected by his present and other filings since July 2024. *See, e.g.*, Compl., *Gilberti v. Trump*, No. 24-81065 (S.D. Fla. filed Sept. 3, 2024); Compl., *Gilberti v. David Mayer de Rothschild*, No. 25-cv-355 (C.D. Cal. filed Jan. 10, 2025), ECF

No. 1; Compl., *Gilberti v. Richard Bruce Cheney*, No. 25-cv-423 (D. Colo. filed Feb. 7, 2025), ECF No. 1.

This Court finds the current Complaint also subject to dismissal pursuant to Federal Rule of Civil Procedure 12(b)(1). Subject matter jurisdiction is lacking where the plaintiff's claims are "so attenuated and unsubstantial as to be absolutely devoid of merit." *Hagans v. Lavine*, 415 U.S. 528, 536-37 (1974) (quoting *Newburyport Water Co. v. Newburyport*, 193 U.S. 561, 579 (1904)); *Apple v. Glenn*, 183 F.3d 477, 479 (6th Cir. 1999) (citing *In re Bendectin Litig.*, 857 F.2d 290, 300 (6th Cir. 1988)) (recognizing that federal question jurisdiction is divested by obviously frivolous and unsubstantial claims). District courts "may . . . sua sponte dismiss a complaint for lack of subject matter jurisdiction pursuant to Rule 12(b)(1) . . . when the allegations . . . are totally implausible, attenuated, unsubstantial, frivolous, devoid of merit, or no longer open to discussion." *Apple*, 183 F.3d at 479 (citing *Hagans*, 415 U.S. at 536-37).

Therefore, the Court is **DENYING** Gilberti's application to proceed in forma pauperis and his Complaint is **SUMMARILY DISMISSED WITH PREJUDICE**. Any appeal of this decision would be frivolous and, therefore, leave to appeal in forma pauperis is **DENIED**. *See* 28 U.S.C. § 1915(a)(3). The Court is sending a copy of its decision to Judge Barber to assess whether Rule 11

sanctions are appropriate, as Gilberti's continued abuse of the judicial system across the country wastes limited judicial resources.

SO ORDERED.

s/ Linda V. Parker
LINDA V. PARKER
U.S. DISTRICT JUDGE

Dated: March 18, 2025

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, March 18, 2025, by electronic and/or U.S. First Class mail.

s/Aaron Flanigan
Case Manager